

By Serry

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insurance.

HJ.R. No. 33

A JOINT RESOLUTION

proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations in the state using money collected from gross premiums taxes on fire

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III of the Texas Constitution is amended by adding Section 51-a-1 to read as follows:

Sec. 51-a-1. (a) The legislature by law may establish a fire department emergency fund and may authorize the transfer and deposit to the credit of the fund of a portion of the amount collected from gross premiums taxes on fire insurance and allied lines. The amount transferred may not exceed an amount equal to one percent of the gross insurance premiums collected each year in this state on fire insurance and allied lines, as defined by law.

- (b) The fund created under this section may be used by a state agency designated by the legislature to provide to local fire departments and other public fire-fighting organizations:
- 20 (1) loans or other financial assistance to purchase
 21 fire-fighting equipment and to aid in providing necessary equipment
 22 and facilities to comply with federal and state law; and
- 23 (2) scholarships and grants to educate and train the
 24 members of local fire departments and other public fire-fighting

organizations.

(c) A portion of the fund created under this section may be appropriated for the administrative costs of the program. The legislature shall provide the terms and conditions of scholarships, grants, loans, and other financial assistance to be provided under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1990. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the creation of a fire department emergency fund and authorizing the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations to purchase fire-fighting equipment, to aid in providing necessary equipment and facilities to comply with federal and state law, and to educate and train their members."

Finnell Waterfield Morales Teloord Stills

By Surry

<u>U</u>J.R. No.<u>33</u>

A JOINT RESOLUTION

_	proposing a constitutional amendment to treate a tire department
2	emergency fund and to authorize the state to provide scholarships,
3	grants, loans, and other financial assistance to local fire
4	departments and other public fire-fighting organizations in the
5	state using money collected from gross premiums taxes on fire
6	insurance.
7 8 ^{โกร}	BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. Article-III of the Texas-Constitution is amended
9	by adding Section 51-a-1 to read as follows:
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12	deposit to the credit of the fund of a portion of the amount
13	collected from gross premiums taxes on fire insurance and allied
14	lines. The amount transferred may not exceed an amount equal to
15	one percent of the gross insurance premiums collected each year in
16	this state on fire insurance and allied lines, as defined by law.
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18	state agency designated by the legislature to provide to local fire
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21	fire-fighting equipment and to aid in providing necessary equipment
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23	(2) scholarships and grants to educate and train the
24	members of local fire departments and other public fire-fighting

HOUSE

89 MAR 29 PM 5: 00

COMMITTEE REPORT

1st Printing

By Perry

H.J.R. No. 33

A JOINT RESOLUTION

- 1 proposing a constitutional amendment to create a fire department 2 emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire 3 and other public fire-fighting organizations in the state using money collected from gross premiums taxes 5 insurance. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS: Article III of the Texas Constitution is amended R SECTION 1. 9 by adding Section 51-a-1 to read as follows: Sec. 51-a-1. (a) The legislature by law may establish a
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- 1 <u>organizations</u>.
- 2 (c) A portion of the fund created under this section may be
- 3 appropriated for the administrative costs of the program. The
- 4 legislature shall provide the terms and conditions of scholarships,
- 5 grants, loans, and other financial assistance to be provided under
- 6 this section.
- 7 SECTION 2. This proposed constitutional amendment shall be
- 8 submitted to the voters at an election to be held on November 6,
- 9 1990. The ballot shall be printed to provide for voting for or
- 10 against the proposition: "The constitutional amendment authorizing
- 11 the creation of a fire department emergency fund and authorizing
- 12 the state to provide scholarships, grants, loans, and other
- 13 financial assistance to local fire departments and other public
- 14 fire-fighting organizations to purchase fire-fighting equipment, to
- 15 aid in providing necessary equipment and facilities to comply with
- 16 federal and state law, and to educate and train their members."

The Henrychie O'll I	COMMIT	TTEE REPORT	3-	19_ 89
The Honorable Gib Lewis Speaker of the House of Rep	resentatives			29 - 89 (date)
Sir:				(5.55.7)
We, your COMMITTEE ON AP	PROPRIATIONS.			
	TR 33	have had the same	under consideration	n and beg to report
back with the recommendation (M) do pass, without amendment(s) do pass, with amendment(s) do pass and be not printed	nt. s).			
A fiscal note was requested. (
An author's fiscal statement w			ai anaiysis was req	uested. () yes () no
A criminal justice policy impac	· • • • • • • • • • • • • • • • • • • •	` '		
A water development policy im	,		K a	•
() The Committee recommend placement on the () Local	ds that this measure b	e sent to the Commit		Consent Calendars for
This measure () proposes nev	_			
House Sponsor of Senate Mea	• •			
The measure was reported fro		ollowing vote:		
·	AYE	NAY	PNV	ABSENT
Rudd, Ch.	V			
Williamson, V.C.	/			
Cavazós				
Carter				~
Colbert	V			
Collazo				
Connelly				
Danburg		V		
Denton				
Earley				
Evans				V
Garcia				
Harris, C.				W
Hollowell	V			
Lewis, R.				
Madla				
Martinez				
McKinney				V
Moreno, A.	<u> </u>			<u> </u>

Total	
<i>15</i> _ aye	lay a huld
	CHAIRMAN
present, not voting	Whomas & Wall
absent	COMMITTEE COORDINATOR

Perry
Tallas
Vowell
Watkins

BILL ANALYSIS

HJR 33
By: Perry

Committee on Appropriations

BACKGROUND

Currently, many Texas communities have little or no fire protection available to them. This proposal, if adopted, would address the concerns of many local fire departments who face difficulty in obtaining funds for not only equipment purchases but for educational and training programs as well. HJR 33 would permit the state to create a fire emergency fund to grant or loan to eligible departments the necessary funds for these investments.

PURPOSE

To propose a constitutional amendment allowing the establishment of a fire department emergency fund and allowing the transfer of a portion of the amount collected from the gross premium taxes on fire insurance and allied lines to such a fund.

SYNOPSIS

Amends Art. III of the Texas Constitution by adding Sec. 51-a-1 to permit the legislature to establish a fire department emergency fund and provide for its funding and operation.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill delegates rulemaking authority to The Legislature in providing terms and conditions of awarding scholarships, grants, loans, and other financial assistance.

SUMMARY OF COMMITTEE ACTION

Pursuant to a suspension of the rules on the House Floor on 2/7/89 the committee met in a public hearing to take up and consider the measure.

Testifying AGAINST the measure were:

Sam Winters, Attorney, Austin, representing the Association of Fire & Casualty Companies.

Mike Hines, Legislative Director, Texas State Association of Fire Fighters

Testifying in FAVOR of the measure were:

Richard Davis, Austin, TX representing the State Firemen's and Fire Marshall's Association.

Lee Murati, Fire Chief, San Elizario, TX representing the San Elizario Volunteer Fire Dept.

Dennis Borel, Controller, Austin, TX representing the State Firemen's & Fire Marshall's Association.

Ray Williamson, Groceryman, Wharton, TX representing FIRE-PAC.

Not testifying but registering in favor of the measure were:

David Cox, Executive Director, State Firemen's and Fire Marshall's Association, Austin, TX.

Gerald Matheaus, President, State Firemen's and Fire Marshall's Association, Austin, TX.

PAGE 2

The Chair referred the measure to a subcommittee consisting of Perry, Rudd, and Williamson.

The subcommittee met in a formal meeting to take up and consider the measure on March 28, 1989 and voted to report the bill favorably back to the full committee with the recommendation that it do pass by a vote of 3 ayes and 0 nays.

On March 29, 1989 the committee met in a formal meeting to consider the measure. On that day the committee voted to report the bill favorably back to the full House with the recommendation that it do pass and be printed. The motion carried on a record vote of 15 ayes, 3 nays and 5 absent.

Austin, Texas

FISCAL NOTE February 7, 1989

T0:

Honorable Jim D. Rudd, Chair Committee on Appropriations House of Representatives Austin, Texas

In Re: House Joint

Resolution No. 33 By: Perry

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 33 (proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations in the state using money collected from gross premiums taxes on fire insurance) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to establish a fire department emergency fund which would receive out of the General Revenue Fund a portion of the amount collected from gross premiums taxes on fire insurance and allied lines. The fund could receive a maximum of an amount equal to one percent of fire and allied lines insurance premiums collected each year. Money in the fund would be used to provide equipment and facilities to public fire-fighting organizations and to establish scholarships and grants to educate and train their members. The fund would also provide for the administrative costs of the program.

The probable fiscal implication of implementing the provisions of the resolution during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Revenue Loss Out of the General Revenue Fund	Probable Revenue Gain to the Fire Department Emergency Fund	Probable Cost to the Fire Department Emergency Fund	Change in Number of State Employees from FY 1989
1990	\$28,039,160	\$28,000,063	\$39,097	+ 1
1991	28,039,160	28,004,394	34,766	+ 1
1992	28,039,160	28,004,394	34,766	+ 1
1993	28,039,160	28,004,394	34,766	+ 1
1994	28,039,160	28,004,394	34,766	+ 1

The cost of publication of the resolution to the State is estimated to be \$60.000.

Similar annual fiscal implications would continue as long as the provisions of the resolution are in effect.

Source: Comptroller of Public Accounts; Board of Insurance;

Secretary of State;

LBB Staff: JO, JWH, AL, JM, LV

71FHJR33

ADOPTED

8 1989

hief Clerk House of Representatives

Sec. 65.

Amend H.J.R. 33 by striking all below the resolving clause 1 and substituting the following: SECTION 1. Article III of the Texas Constitution is amended by adding Section 51-a-1 to read as follows: Sec. 51-a-1. (a) The legislature by general law may 5 authorize the use of public money to provide to local fire 6 departments and other public fire-fighting organizations: (1) loans or other financial assistance to purchase 8 fire-fighting equipment and to aid in providing necessary equipment 9 and facilities to comply with federal and state law; and 10 (2) scholarships and grants to educate and train the 11 members of local fire departments and other public fire-fighting 12 13 organizations. (b) A portion of the money used under this section may be 14 used for the administrative costs of the program. The legislature 15 shall provide for the terms and conditions of scholarships, grants, 16 loans, and other financial assistance to be provided under this 17 section. 18 SECTION 2. This proposed constitutional amendment shall be 19 submitted to the voters at an election to be held on November 7, 20 1989. The ballot shall be printed to provide for voting for or 21 against the proposition: "The constitutional amendment authorizing 22

the state to provide scholarships, grants, loans, and other

financial assistance to local fire departments and other public

23

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- 1 fire-fighting organizations to purchase fire-fighting equipment, to
- 2 aid in providing necessary equipment and facilities to comply with
- 3 federal and state law, and to educate and train their members."

HOUSE ENGROSSMENT

80 MAN -3 (2007) 63 (2007)

By Perry, et al.

H.J.R. No. 33

A JOINT RESOLUTION

- proposing a constitutional amendment to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations.
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H.J.R. No. 33

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- 5 aid in providing necessary equipment and facilities to comply with
- 6 federal and state law, and to educate and train their members."

Austin, Texas

FISCAL NOTE February 7, 1989

T0:

Honorable Jim D. Rudd, Chair Committee on Appropriations House of Representatives

Austin. Texas

In Re: House Joint

Resolution No. 33

By: Perry

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 33 (proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations in the state using money collected from gross premiums taxes on fire insurance) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to establish a fire department emergency fund which would receive out of the General Revenue Fund a portion of the amount collected from gross premiums taxes on fire insurance and allied lines. The fund could receive a maximum of an amount equal to one percent of fire and allied lines insurance premiums collected each year. Money in the fund would be used to provide equipment and facilities to public fire-fighting organizations and to establish scholarships and grants to educate and train their members. The fund would also provide for the administrative costs of the program.

The probable fiscal implication of implementing the provisions of the resolution during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Revenue Loss Out of the General Revenue Fund	Probable Revenue Gain to the Fire Department Emergency Fund	Probable Cost to the Fire Department Emergency Fund	Change in Number of State Employees from FY 1989
1990	\$28,039,160	\$28,000,063	\$39,097	+ 1
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1994	28,039,160	28,004,394	34,766	+ 1

The cost of publication of the resolution to the State is estimated to be \$60,000.

Similar annual fiscal implications would continue as long as the provisions of the resolution are in effect.

Source: Comptroller of Public Accounts; Board of Insurance;

Secretary of State;

LBB Staff: JO, JWH, AL, JM, LV

By: Perry, et al. (Senate Sponsor - Barrientos) H.J.R. No. 33 (In the Senate - Received from the House May 9, 1989; May 10, 1989, read first time and referred to Committee on Finance; May 20, 1989, reported favorably by the following vote: Yeas 10, Nays 0; May 20, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Caperton	x		-	
Glasgow	x			
Barrientos	x			
Brooks	х			
Harris				х
Johnson	х			· · · · · · · · · · · · · · · · · · ·
Krier				х
McFarland	x			
Montford	x		***************************************	
Parker	х			
Santiesteban				х
Sims	х			
Truan	x	-		

A JOINT RESOLUTION

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(2) scholarships and grants to educate and train the members of local fire departments and other public fire-fighting organizations.

(b) A portion of the money used under this section may be used for the administrative costs of the program. The legislature shall provide for the terms and conditions of scholarships, grants, loans, and other financial assistance to be provided under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 7, 1989. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations to purchase fire-fighting equipment, to aid in providing necessary equipment and facilities to comply with federal and state law, and to educate and train their members."

* * * * *

53 Austin, Texas 54 May 20, 1989

Hon. William P. HobbyPresident of the Senate

57 Sir:

1 2

We, your Committee on Finance to which was referred H.J.R. No. 33, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Caperton, Chairman

Austin, Texas

MAY 16 REC'D

FISCAL NOTE May 12, 1989

TO:

Honorable Kent A. Caperton, Chairman

Committee on Finance

Senate Chamber Austin, Texas In Re: House Joint Resolution

No. 33, as engrossed

By: Perry

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 33, as engrossed (proposing a constitutional amendment to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations) this office has determined the following:

The bill would allow the legislature by general law to authorize the use of public money to provide loan or other financial assistance to local fire department.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is estimated to be \$60,000.

Source: Comptroller of Public Accounts; Board of Insurance;

Secretary of State;

LBB Staff: JO, JWH, AL, JM, CKM

Austin, Texas

FISCAL NOTE February 7, 1989

TO:

Honorable Jim D. Rudd, Chair Committee on Appropriations House of Representatives

Austin, Texas

FROM: Jim Oliver, Director

In Re: House Joint

Resolution No. 33

By: Perry

In response to your request for a Fiscal Note on House Joint Resolution No. 33 (proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations in the state using money collected from gross premiums taxes on fire insurance) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to establish a fire department emergency fund which would receive out of the General Revenue Fund a portion of the amount collected from gross premiums taxes on fire insurance and allied lines. The fund could receive a maximum of an amount equal to one percent of fire and allied lines insurance premiums collected each year. Money in the fund would be used to provide equipment and facilities to public fire-fighting organizations and to establish scholarships and grants to educate and train their members. The fund would also provide for the administrative costs of the program.

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Similar annual fiscal implications would continue as long as the provisions of the resolution are in effect.

Source: Comptroller of Public Accounts: Board of Insurance:

Secretary of State:

LBB Staff: JO, JWH, AL, JM, LV

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby President of the Senate			5-	$\frac{20}{49-89/1pm}$ (date)/(time)
Sir:				
We, your Committee on FINANCE				to which was referred
HTR33 _{by}	(sponsor)	have on_	5-19 (hearing date)	$_{-}$, 19 82 , had the same
under consideration and I am instruc	ted to report	t it back with the rec	ommendation (s)	that it
1 do pass and be printed				
() do pass and be ordered not prin	ted			
() and is recommended for placem	ent on the L	ocal and Unconteste	d Bills Calendar.	
A fiscal note was requested.	(Lyes	() no		
A revised fiscal note was requested.	() yes	Uno-		
An actuarial analysis was requested.	() yes	Uno		
Considered by subcommittee.	() yes	() 110		
Senate Sponsor of House Measure	Gar	rientos	-	

	YEA	NAY	PNV	ABSENT
Barrientos				1.05011.
Brooks				
Glasgow				Aut
Harris				1
Johnson				
Krier				~
McFarland				
Montford				
Parker				
Santiesteban				1/
Sims	1			
Truan	-			· · · · · · · · · · · · · · · · · · ·
Caperton, Chair	4			_
TOTAL VOTAS	10			3
Since //	Partin /	end Cap	ecton	

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

The measure was reported from Committee by the following vote:

ENROLLED

H.J.R. No. 33

A JOINT RESOLUTION

to
t

- provide scholarships, grants, loans, and other financial assistance
- 3 to local fire departments and other public fire-fighting
- 4 organizations.

2

- 5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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- and facilities to comply with federal and state law; and
- 14 (2) scholarships and grants to educate and train the
- 15 members of local fire departments and other public fire-fighting
- organizations.
- 17 (b) A portion of the money used under this section may be
- 18 used for the administrative costs of the program. The legislature
- shall provide for the terms and conditions of scholarships, grants,
- 20 loans, and other financial assistance to be provided under this
- 21 section.
- 22 SECTION 2. This proposed constitutional amendment shall be
- submitted to the voters at an election to be held on November 7,
- 24 1989. The ballot shall be printed to provide for voting for or

H.J.R. No. 33

- against the proposition: "The constitutional amendment authorizing
- 2 the state to provide scholarships, grants, loans, and other
- 3 financial assistance to local fire departments and other public
- 4 fire-fighting organizations to purchase fire-fighting equipment, to
- 5 aid in providing necessary equipment and facilities to comply with
- 6 federal and state law, and to educate and train their members."

Presid	dent of	the Senate	Speaker of the House
I	certify	that H.J.R. No	. 33 was passed by the House on May
8, 1989, h	by the f	following vote:	Yeas 119, Nays 17, 1 present, not
voting.			
			Chief Clerk of the House
I c	ertify	that H.J.R. No.	33 was passed by the Senate on May
25, 1989,	by the	following vote:	Yeas 31, Nays O.
			Secretary of the Senate
			bestetary or the behate
RECEIVED:			·
		Date	
			
	Secr	etary of State	

P	resident of the Senate	Speaker of the House
	I certify that H.J.R. No.	33 was passed by the House on 1989, by the following vote: Mnarvohy (4)
	May 8.	1989, by the following vote:
	(2)	
Yeas	119, Nays 17, 1 presen	of nervoline
	(3)	(4)
		Chief Clerk of the House
	I certify that H.J.R. No.	33 was passed by the Senate on 1989, by the following vote:
	May 25.	1989, by the following vote:
Yeas _	31, Nays 0	
	(6)	(7)
		Secretary of the Senate
RECEIV	'ED:	
	Date	
		_
	Secretary of State	

**** Preparation: 'A;CT47;

l. J. F	R. No.	33	By Cerry
	and fire	other fir	HOUSE JOINT RESOLUTION Institutional amendment to create a fire department emergency thorize the state to provide scholarships, grants, loans, incial assistance to local fire departments and other public organizations in the state using money collected from taxes on fire insurance. 1. Filed with the Chief Clerk.
	7.5	2 6 1989	2. Read first time and referred to Committee on Appropriation 3. Reported favorably (as amended) and sent to Printer at 12:20 pm
	MAR	2 9 1989	4. Printed and distributed at 5:00 pm
*			5. Sent to Committee on Calendars at 1:22pm
بر د د د	M	AY 8 1991	6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of present, not voting.
			7. Motion to reconsider and table the vote by which H.J.R was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).
	•		8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of yeas, nays, present, not voting.
			9. Caption ordered amended to conform to body of resolution.
, 5	7		0. Motion to reconsider and table the vote by which H.J.R was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of yeas, nays, and present, not voting). MAY 5

		•	
Metion to postp	one furi	ther cor	sideration
of RINO	<i>33</i>	until	Dear
man	18	a	200
prevailed by a r	non-reco	rd vote.	7

MAY 8 1980	11. Ordered Engrossed at #:19 pm
MAY 8 1989	12. Engrossed.
MAY 8 1989	13. Returned to Chief Clerk at
MAY 9 1985	14. Sent to the Senate. Betty Mussey
MAY 9 1989	15. Received from the House
MAY 1 0 1989	16. Read, referred to Committee onFINANCE
MAY 20 1989	17. Reported favorably
	18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
	19. Ordered not printed.
' 2 5 198 9	20. Regular order of business suspended by (a viva voce vote.) (yeas,
	21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of
1AY 2 5 1989	22. Read second time passed to third reading by:

	23. Caption ordered amended to conform to body of bill.
MAY 2 5 1989	24. Senate and Constitutional 3-Day Rules suspended by vote of yeas, nays to place bill on third reading and final passage.
- MAY 2 5 1989	25. Read third time and passed by (a viva voce vote:) (
OTHER ACTION:	OTHER ACTION: Secretary of the Senate
May 25, 1989	26. Returned to the House.
TMAY 2 5 1980	27. Received from the Senate (with amendments.)
	28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).
	29. Conference Committee Ordered.
	30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).
MAY 25 198	31. Ordered Enrolled at 4:42 pm

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